IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.10219 of 2007
Date of decision: 12.7.2007

Surjit Singh.

-----Petitioner

Vs.

Punjab State Electricity Board and others.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. V.K. Shukla, Advocate
for the petitioner.

ORDER:

This petition challenges order directing recovery of an amount of Rs.2,00,520/- for the loss caused to the employer.

Case of the petitioner is that he joined as Junior Engineer with Punjab State Electricity Board, respondent No.1. Notice dated 20.7.1989 was given to him alleging his having caused shortage of certain articles. He denied the allegation. The Chief Engineer, South held him responsible for the shortage and directed recovery being effected from him to the extent of Rs.2,00,520/- On appeal, the matter was considered by the Member (D) in the light of stand of the petitioner in the memo. of appeal filed by him and the said appeal was dismissed.

Contention raised on behalf of the petitioner is that stand of the petitioner was not duly considered and the impugned order is not a speaking order.

Learned counsel for the petitioner submitted that he did not file any reply to the show cause notice while, in the impugned order, reference to his reply has been made.

Even though we find that the impugned orders are not happily worded, the appellate order (Annexure P-3) shows that stand of the petitioner in his appeal has been duly noted and considered. It is well-settled that if loss has been caused by an employee, the same can be ordered to be recovered from him in departmental proceedings. Reference may be made to judgment of the Hon'ble Supreme Court in ***Punjab State civil Supplies Corp. Limited*** *v.* ***Sikander Singh,*** AIR 2006 SC 1438, wherein it was, inter-alia, observed as under:-

> "28. In Depot Manager, A.P.S.R.T. Corpn. v. N. Ramulu and another ((1997) 11 SCC 319), the pecuniary loss caused to the employer was ordered to be recovered from the delinquent by way of punishment and not in a civil suit.
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> 29. In this case, we have noticed that the losses caused by reason of misconduct on the part of the defendant No.1 had been directed to be recovered in the departmental proceedings and the same stood recovered.
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> 30. In Union of India and others v. B. Dev ((1998) 7 SCC 691), this Court upheld the plea of Union of India that in terms of the provisions of CCS (Pension) Rules, 1972, in the event a gross misconduct or negligence committed by

> the employee'; during the period of his service is proved, entire amount of pension or a part thereof can be directed to be withheld. Therein, however, the question which arose for consideration was as to whether in absence of any pecuniary loss, Rule 9 of the CCS (Pension) Rules could be invoked or not. Such a question does not arise for consideration in the present case."

After hearing learned counsel for the petitioner and perusing the impugned orders, we are of the view that no interference under Article 226 of the Constitution is called for.

The petition is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

July 12, 2007
ashwani

(AJAI LAMBA)
JUDGE